IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5017 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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G S R T C - Petitioner(s)

Versus

BHAGUBHAI T GAMIT - Respondent(s)

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Appearance :
MR YOGESH S LAKHANI for Petitioner No(s).: 1.

NOTICE NOT RECD BACK for Respondent No(s).: 1.
RULE NOT RECD BACK for Respondent No(s).: 1.
DS AFF.NOT FILED (R) for Respondent No(s).: 1.
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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 16/08/2005

ORAL JUDGMENT

1. The present petition is directed against the award passed by the Labour Court, Surat, dated 6.3.1993 in (LCS) Reference No.12/90 whereby the Labour Court directed the petitioner to reinstate the respondent without back wages.

2. The short facts of the case are that the respondent was working as Conductor with the petitioner Corporation. In view of certain irregularities a departmental inquiry was initiated against the respondent and after completion of inquiry he was dismissed from service. After rejection of the appeal filed by the respondent he

raised a dispute which was referred to Labour Court Surat, which raised passed the aforesaid award.

3. The matter is of the year 1994. In spite of issuing fresh rule the petitioner has failed to serve the respondent. Though the Labour Court has substituted the penalty without imposing any punishment upon the respondent, since the petitioner has neglected to serve the respondent, the award of the Labour Court cannot be disturbed. Under the circumstances, the petition is required to be rejected. Accordingly petition is rejected. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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